

### **AMENDMENTS TO THE DRAWINGS**

The attached replacement sheet includes amended FIG. 1 in accordance with the requirement set forth in the Office Action.

Attachment: Replacement sheet (1)

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**REMARKS/ARGUMENTS**

In response to the Office Action mailed 7/15/2005, Applicants submit herewith a replacement sheet amending FIG. 1 as required by the Office Action. Applicants respectfully request entry of the amendments to the claims contained in this paper.

The subject Office Action rejected claims 1-8 under 35 U.S.C. 103(a) as being unpatentable over USPN 6,343,250 to Kuras et al (hereafter "Kuras et al").

Applicants have amended claims 1, 4-5, and 7-8 to more particularly point out and distinctly claim the invention. Claims 1-8 are applicable to hybrid electric powertrains or transmissions. Claims 1-8 to either directly or through various dependencies recite at least one electric motor. Applicants respectfully point out that Kuras et al discloses a hydrostatic transmission and not a hybrid electric powertrain or transmission. The motor 52 cited in the Office Action is a hydraulic motor (see for example claim 1 of Kuras et al). Kuras et al does not disclose an electric motor as required by the claims of the present invention. Kuras et al therefore fails at least in this critical regard to teach or suggest elements and limitations of the present invention and therefore does not provide an adequate basis in support of the obviousness rejections of claims 1-8.

It is well settled with respect to obviousness rejections under 35 U.S.C. 103(a) that the initial burden is on the Patent Office to establish a prima facie case of obviousness. The present Office Action has failed to meet this threshold burden.

Therefore, Applicants respectfully request reexamination of claims 1-8 of the present application in light of amendments and arguments contained herein. Applicants believe that all claims 1-8 are patentably distinguishable over Kuras et al and respectfully request that same be allowed to proceed to issue.

If the Examiner has any questions regarding the contents of the present response he may contact Applicants' attorney at the phone number appearing below.

Respectfully submitted,



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